

**CHAPTER 192 AND CHAPTER 193 PROGRAMS
FOR
NONPUBLIC SCHOOL PUPILS**

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William L. Librera, Ed.D.
Commissioner of Education

Isaac R. Bryant
Assistant Commissioner
Division of Student Services

Susan B. Martz
Director
Office of Program Support Services

John M. Lally, Jr.
Nonpublic School Services

New Jersey Department of Education
Division of Student Services
100 River View Plaza
P.O. Box 500
Trenton, New Jersey 08625-0500

PTM NO. 1504.40

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PART 1 OVERVIEW

INTRODUCTION

New Jersey's Chapter 192 and Chapter 193 programs are provided to eligible pupils enrolled full-time in nonpublic elementary and secondary schools in New Jersey. Chapter 192 programs provide nonpublic school pupils with auxiliary services such as compensatory education, English as a second language, and home instruction. Chapter 193 programs provide nonpublic school pupils with remedial services such as evaluation and determination of eligibility for special education and related services, supplementary instruction, and speech-language services.

STATUTES

N.J.S.A. 18A:46A-1 et seq. (Chapter 192, Laws of 1977) authorizes the provision of auxiliary services to pupils enrolled full-time in nonpublic elementary and secondary schools in the state: "The Legislature hereby finds and determines that the welfare of the state requires that present and future generations of school age children be assured the opportunity to develop to the fullest their intellectual capacities. It is the intent of the Legislature to insure that the State shall furnish on an equal basis auxiliary services to all pupils in the state in both public and nonpublic schools."

N.J.S.A. 18A:46-19.1 et seq. (Chapter 193, Laws of 1977) authorizes the provision of remedial services for handicapped pupils enrolled full-time in nonpublic elementary and secondary schools in the state: "The Legislature hereby finds and determines that the security and welfare of the state require that all school-age children be assured the fullest possible opportunity to develop their intellectual capacities. In order to achieve this objective it is the intent of the Legislature to require that State and local communities identify and provide remedial services for handicapped children in both public and nonpublic schools."

SERVICES

Under Chapter 192, the following auxiliary services are available:

- Compensatory Education
- English as a Second Language
- Home Instruction

Under Chapter 193, the following remedial services are available:

- Evaluation and Determination of Eligibility
- Supplementary Instruction
- Speech-Language

GENERAL ELIGIBILITY REQUIREMENTS

Chapter 192 and Chapter 193 services are available only to pupils who meet all of the following criteria:

- Are enrolled full-time in a nonpublic elementary or secondary school (grades K-12) located in New Jersey.
- Parent(s) or guardian(s) live in New Jersey.

NOTE: When a pupil boards at a nonpublic school, the public school district in which the parent(s) reside is considered the child's district of residence.

- Would be eligible for such services if they were enrolled in a public school.
- Are between the ages of five and twenty for Chapter 192 services, or between five and twenty-one for Chapter 193 services.
- Meet the criteria for eligibility as determined by the Department of Education for the specific service.
- Parent(s) or guardian(s) have given their consent by signing the Application for the Chapter 192 and Chapter 193 Services (407-1 form).

PUPIL APPLICATION

N.J.S.A. 18A:46A-5 and 18A:46-19.5

N.J.A.C. 6A:14-6.2

During the school year, the parent or guardian of a nonpublic school pupil may request the Chapter 192 and Chapter 193 services by completing and submitting a signed pupil application (see 407-1 form in Part IV, Appendices) to the nonpublic school or directly to the local public school district where the nonpublic school is located or to the service provider. If the parent or guardian submits a signed pupil application to a nonpublic school, the nonpublic school transmits the signed pupil application to the local public school district within five (5) working days.

If the local public school district contracts with a service provider, the district transmits the pupil application to the service provider within five (5) working days after receiving it from the nonpublic school.

The submission of the pupil application (407-1 form) does not necessarily mean that the pupil is eligible for the Chapter 192 and Chapter 193 services. The public school district responsible for Chapter 192 and Chapter 193 services must verify the eligibility and complete the disposition section of the pupil application stating that the services either were or were not provided. The only reason for not providing the requested services is that the pupil is ineligible as determined by the eligibility criteria.

The parent or guardian completes the pupil application (407-1 form) and submits it to the local public school district in which the nonpublic school is located. In instances where the pupil has been determined to be eligible and has received services in the current school year, a new pupil application must be completed and submitted before services can be provided in the following year. The purpose of the pupil application is both to request the services and to account for the pupil in each service. Therefore, a pupil application must be submitted for each service requested for a pupil.

PARTICIPATING NONPUBLIC SCHOOLS

N.J.S.A. 18A:46A-2 and 18A:46-19.2

N.J.A.C. 6A:14-6.2

A nonpublic school in New Jersey is an elementary or secondary school other than a public school, offering education for grades K-12, or any combination of them, wherein pupils may legally fulfill the compulsory school attendance requirement for children between the ages of six and 16 years by receiving an education that is academically equivalent (curricular content) to that provided in the public school for pupils of similar grades and attainments. The nonpublic school:

- Complies with the requirements of the Civil Rights Act of 1964 (P.L. 88-352), Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973: no person in the United States shall on the grounds of race, color, or national origin, religion, sex, age or disability be subjected to discrimination under any program or activity receiving state and/or federal financial assistance.
- Complies with the applicable regulations of the State Board of Education.

To participate in the state and/or federal programs, the nonpublic school, in accordance with N.J.S.A. 18A:6-4, submits the Nonpublic School Pupil Enrollment Data Report form in November to the Department of Education, Information Technology. The completion of the form does not imply approval, licensure or regulation of the nonpublic school by the State Department of Education.

The Chapter 192 and Chapter 193 programs should also be coordinated with other state and federal programs.

RESPONSIBILITY OF THE DISTRICT BOARD OF EDUCATION

N.J.S.A. 18A:46A-3 and 18A:46-6

N.J.A.C. 6A:14-6.1

In accordance with the state laws (N.J.S.A. 18A:46A-3 and 18A:46-6), the board of education of the public school district in which the nonpublic school is located is responsible for the Chapter 192 and Chapter 193 services to eligible pupils enrolled full-time in the nonpublic elementary or secondary schools. The public school district shall verify the eligibility of the pupils and provide the services in accordance with the policies and procedures of the New Jersey Department of

Education regarding Chapter 192 (N.J.S.A. 18A:46A-1 et seq.) and Chapter 193 (N.J.S.A. 18A:46-6, 8, 19.1 et seq.) and the regulations of the State Board of Education pertaining to compensatory education (N.J.A.C. 6A:14-6.2(e)); English as a second language (N.J.A.C. 6A:15 et seq.); evaluation and determination of eligibility for special education and related services, supplementary instruction, speech-language services and home instruction (N.J.A.C. 6A:14 et seq.).

The public school district in which the nonpublic school is located must provide with state funds the service itself or may contract with another district, an educational services commission or an approved clinic or agency to provide all or part of the services. If the public school district contracts with a service provider, the district retains complete responsibility for providing the Chapter 192 and Chapter 193 services. **There is a contract between the district and the service provider regarding: the scope and nature of services; the cost and method of payment for services; professional staff, facilities and pupil records for services. Each contract includes a budget page with the following costs: program, administration and other; and also includes the per pupil amounts for each service. The contract must be approved annually by the New Jersey Department of Education through the county office of education.**

The public school district in which the nonpublic school is located must consult annually with the nonpublic school representatives and parents regarding the provisions of services to the pupils under the Chapter 192 and Chapter 193 programs. **Note: In accordance with N.J.S.A. 18A:46-19.7 and 18A:46A-7, “prior to any change in the provision of these services, the board shall provide timely and meaningful consultation with the appropriate nonpublic school representatives, including parents.”**

In addition to the services provided through the state Chapter 193 program, pupils with disabilities may also receive services through the federal Individuals with Disabilities Education Act (IDEA). IDEA 20 U.S.C. §1412 (a)(10)(A)(i) states the following: “to the extent consistent with the number and location of children in the State who are enrolled by their parents in private elementary and secondary schools, provision is made for the participation of those children in the program assisted or carried out under this part of Act by providing for such special education and related service in accordance with the ...” requirements of the Act. While there is no individual entitlement to services, the pupil’s district of residence must provide a genuine opportunity for equitable participation in services. The pupil’s district of residence must conduct child find activities to ensure all nonpublic school students who are potentially disabled are identified, evaluated and determined eligible and must consult with representatives of the nonpublic school pupils to determine what services will be provided and which pupils will receive services from the group of eligible pupils. To inform the district of residence of eligible pupils receiving services through the Chapter 193 program, the public school district in which the nonpublic school is located or the service provider sends a copy of the pupil application (407-1 form) to the pupil’s resident district when a pupil is eligible for supplementary and speech-language services. Preschool students with disabilities are not eligible for services under Chapter 193. However, preschoolers with disabilities who are placed by their parents in private (nonpublic) preschool programs must be provided a genuine opportunity for equitable participation through their district of residence.

The parents must make a request for these services under the federal Individuals with Disabilities Education Act (IDEA) (20 U.S.C. §1412 et seq.) to the public school district in which they reside. The district of residence will review the request for services and will provide the parents with notice of the decision. If services will be provided, the services plan will be reviewed in a meeting that includes: the parent, at least one child study team member who can interpret the instructional implications of the evaluation results, at least one regular education teacher who is knowledgeable about the pupil's educational performance, at least one special education teacher or service provider, the case manager who is a child study team member, a representative of the school, other appropriate individuals at the discretion of the parent, and the pupil where appropriate.

STAFF RESPONSIBLE FOR SERVICES

N.J.S.A. 18A:46A-7 and 46-19.7

N.J.A.C. 6A:14-6.2(h)

The public school district responsible for the Chapter 192 and Chapter 193 services uses its own staff, hires additional staff or contracts with staff from another district, an educational services commission, or an approved clinic or agency. The staff providing the Chapter 192 and Chapter 193 services must be employees of the district or educational services commission or approved clinic or agency and must be appropriately certified. The New Jersey Department of Education, through the county superintendent, approves the certificates of the staff providing the Chapter 192 and Chapter 193 services.

FACILITIES

N.J.S.A. 18A:46A-5 and 46-19.5

N.J.A.C. 6A:14-6.2(i)

The public school district responsible for the Chapter 192 and Chapter 193 services and the service provider determine the site for the instructional services. To provide the instructional services to pupils enrolled full-time in nonpublic schools, the public school district and service provider must consult with the principal of the nonpublic school.

The public school district and service provider are now permitted to provide the Chapter 192 and Chapter 193 instructional services in a sectarian nonpublic school in accordance with the state statutes N.J.S.A. 18A:46A-5 and 46-19.5.

Before providing the Chapter 192 and Chapter 193 instructional services in a religious nonpublic school, the public school district and service provider must do the following: obtain a copy of the certificate of occupancy and a copy of the health and fire inspection certificates for the school, and also ensure that the space for instruction within the school is adequate for education. The public school district and service provider may not repair, remodel or perform construction on the nonpublic school building to provide these services.

When the public school district, service provider and nonpublic school agree to provide the Chapter 192 and Chapter 193 instructional services within a sectarian nonpublic school, the

public school district and service provider must direct and supervise the instructional services. During the time of instruction, the public school district and service provider must ensure the following: religious matter is not introduced; and staff providing the instructional services are employees of the public school district or service provider, or are contracted by the public school district.

If the public school district and service provider continue to use a trailer or mobile unit placed on nonpublic school property to provide the Chapter 192 and 193 services, the trailer and mobile unit must be approved by the New Jersey Department of Education and county superintendent in accordance with N.J.A.C. 6A:26-6 et seq. The facility approval includes a certificate of occupancy and also health and fire inspection certificates. Trailers and mobile units for Chapter 192 and Chapter 193 services must be accessible to individuals with disabilities in accordance with the Barrier Free Code of the Uniform Construction Code (N.J.A.C. 5:23-7.1 and 7.2 (a)).

If the public school district and service provider continue to provide the Chapter 192 and Chapter 193 services using computer assisted instruction (CAI) in a nonpublic school, the public school district and service provider must direct and supervise the computer assisted instruction program.

PUPIL TRANSPORTATION

N.J.S.A. 18A:46A-6 and 46-19.6
N.J.A.C. 6A:14-6.2(k)

The public school district responsible for the Chapter 192 and Chapter 193 services must request Chapter 192 and Chapter 193 funds through the Report of Nonpublic Auxiliary and Handicapped Services to provide pupils with transportation to and from the instruction area and/or to provide the maintenance of the vehicular classrooms if required under the provision of Chapter 192 and Chapter 193 services. In accordance with N.J.S.A. 18A:46A-6 and 18A:46-9.6, the board of education of the public school district in which the nonpublic school is located shall provide for such transportation and maintenance, and the cost shall be paid from state funds received by the district for the programs.

PUPIL RECORDS

N.J.A.C. 6A:14-6.2

The public school district responsible for the Chapter 192 and Chapter 193 services must maintain the Chapter 192 and/or Chapter 193 records of nonpublic school pupils receiving services following the procedures in N.J.A.C. 6:3-6. If the public school district contracts with a service provider for the services, the district responsible for the Chapter 192 and Chapter 193 services retains the responsibility for the Chapter 192 and Chapter 193 pupil records. The Chapter 192 and Chapter 193 pupil records are returned to the public school district responsible for the services when the programs are terminated.

COUNTY OFFICE REVIEW

N.J.A.C. 6A:14-6.2

The county office provides leadership in educational planning and program improvement to local districts within the county; coordinates and approves the fiscal, educational, facility and transportation services within the county; and works with districts regarding the school laws and the regulations of the State Board of Education.

The public school district responsible for the Chapter 192 and Chapter 193 services must obtain approval from the New Jersey Department of Education through the county superintendent for the following:

- contract between the public school district and service provider;
- certificates of the staff;
- instructional facilities; and
- project completion report.

FISCAL MANAGEMENT

N.J.S.A. 18A:46A-8, 9, 10, 11, 12, 13, 14 and 46-19.8

N.J.A.C. 6A:14-6.3 and 6.4

Funding - the public school district in which the nonpublic school is located provides the Chapter 192 and Chapter 193 programs and services with state funds received by the district for the programs. To obtain Chapter 192 and Chapter 193 state funds for the next school year, the public school district must submit the Report of Nonpublic Auxiliary and Handicapped Services in November of the present school year to the New Jersey Department of Education, Office of School Funding, and county superintendent. The report contains the following information:

- the number of nonpublic school pupils identified to receive services under Chapter 192 during the prior school year;
- the number of nonpublic school pupils identified to receive services under Chapter 193 during the prior school year; and
- anticipated cost of transportation and/or maintenance of vehicular classroom required for nonpublic school pupils to receive services for the next school year.

Additional Funds - the public school district responsible for the Chapter 192 and Chapter 193 services must request additional state funds when the present level of funding is insufficient to provide services for additional pupils identified under the provisions of Chapters 192 and 193. The public school district must submit the Request for Additional Funding Under the Provisions

of Chapters 192/193 form to the New Jersey Department of Education, Office of School Funding, to obtain approval.

Funding Limitations - To provide the Chapter 192 services, the public school district responsible for the Chapter 192 services is permitted **no more than 6 percent of the state funds received by the district under Chapter 192 for administration and no more than 18 percent of the state funds received by the district under Chapter 192 to rent facilities.** The public school district must provide the services to nonpublic school pupils at a cost not to exceed the amount of the state funds received by the district for the programs.

Project Completion Report - the public school district responsible for the Chapter 192 and Chapter 193 services must submit the Nonpublic Student Services Project Completion Report for the Chapter 192 Services and the Chapter 193 Services in August of the current school year to the New Jersey Department of Education, Office of School Funding and to the county superintendent.

The public school district maintains an accounting system for the Chapter 192 and Chapter 193 programs and services following the financial accounting procedures of the New Jersey Department of Education, Office of School Funding. At the end of the school year, if the expenditures are less than the state funds received by the district for the programs, the public school district must return the unexpended state funds to the New Jersey Department of Education no later than December 1.

MONITORING

N.J.A.C. 6A:14-9.1

The New Jersey Department of Education monitors the public school districts responsible for the Chapter 192 and Chapter 193 services for compliance with State statutes and regulations of the State Board of Education. Monitoring the Chapter 192 and Chapter 193 programs and services ensures that the public school districts responsible for the services to nonpublic school pupils and their service providers comply with the policies and procedures of the New Jersey Department of Education regarding Chapter 192 (N.J.S.A. 18A:46A-1 et seq.) and Chapter 193 (N.J.S.A. 18A:46-6, 8, 19.1 et seq.) and the regulations of the State Board of Education pertaining to compensatory education (N.J.A.C. 6A:14-6.2(e)); English as a second language (N.J.A.C. 6A:15 et seq.); and evaluation and determination of eligibility for special education and related services, supplementary instruction, speech-language services, and home instruction (N.J.A.C. 6A:14 et seq.).

After an on-site monitoring visit, department staff conduct an exit conference at the public school district office to present "preliminary" monitoring findings. The presentation of "preliminary findings" at the exit conference allows the public school district to review the findings. New Jersey Department of Education staff from the county office and Office of Program Support Services, Nonpublic School Services, review the findings and determine compliance or noncompliance. The county superintendent issues a finding letter (compliance or

noncompliance) and monitoring report to the superintendent and the board of education and the service provider(s), if applicable, within 20 working days from the date of the exit conference. A copy is also sent to Nonpublic School Services.

If there is noncompliance, the county superintendent:

- notifies the superintendent of the public school district that a corrective action plan approved by the board of education of the public school district is required. The corrective action plan must include: activities for correcting each noncompliant area,
- person(s) responsible for each activity, timelines for each activity, and proposed documentation of compliance for the noncompliance area;
- reviews the corrective action plan submitted by the district to determine the status (approval or non-approval);
- notifies the superintendent of the public school about the status of the plan (approved or not approved) and also the service provider(s) if applicable; and
- verifies the corrective action plan with the superintendent of the public school district and also the service provider(s) if applicable.

If the public school district appeals or requests a waiver of the regulations of the State Board of Education, the request is made to the New Jersey Department of Education by completing and submitting a Waiver Application (N.J.A.C. 6A:5) to the State Board Office.

PART II

CHAPTER 192 SERVICES

COMPENSATORY EDUCATION

N.J.A.C. 6A:14-6.2(e)

Compensatory education services are available to an eligible pupil in communications (reading and/or writing) and computation (mathematics). A teacher appropriately certified from the public school district/service provider provides the services.

Eligibility Criteria

- A pupil must be assessed annually in reading, writing, and mathematics.

The complete assessment process should not be limited to standardized test scores. The use of additional diagnostic or criterion-referenced information, such as report card grades, book level tests, teacher ratings and writing samples should be included as part of the assessment process.

Instruments used in the assessment process must have demonstrated validity and reliability, must be administered systematically and must be based on objective data:

- in grades K-2, a valid and reliable instrument deemed appropriate by the district;
- in grades 3-12, a state-approved commercial standardized test; and
- in grades K-12, secondary or multiple assessment criteria (report card grades, book level tests, teacher ratings, and writing samples) in addition to test scores.

The minimum levels of proficiency (MLPs) for the standardized tests approved by the New Jersey Department of Education for grades 3-8 and also for grades 9-11 are included in the appendices section.

To provide Chapter 192 compensatory education, a certified teacher of the public school district/service provider develops and implements an individual pupil improvement plan for the pupils in need of compensatory education. An individual pupil improvement plan in reading, writing and/or mathematics addresses: the pupil's needs assessment, instructional program (goals and measurable objectives, frequency and duration, and also teaching techniques, materials, and resources), evaluation procedures that are used to measure progress toward performance standards, and exit criteria (at or above the minimum level of proficiency in reading, writing and/or mathematics and also multiple assessment criteria in addition to test scores).

To document eligibility for communications and/or computation, attach a copy of the pupil's assessment test results to the pupil application (407-1 form). Check the appropriate service in Section 5 of the pupil application (407-1 form):

Examples

- if eligible for communications, submit one pupil application (407-1 form) with communications checked off. Indicate either reading or writing or both reading and writing; and
- if eligible for computation, submit one pupil application (407-1 form) with computation checked off.

ENGLISH AS A SECOND LANGUAGE

N.J.A.C. 6A:15 et seq.

English as a second language services are available to an eligible pupil identified as limited English proficient. The pupil develops proficiency in English language skills in the areas of aural comprehension, speaking, reading and writing. A teacher appropriately certified as a teacher of English as second language from the public school district/ service provider provides the service.

Eligibility Criteria

- The pupil's native language must be other than English.
- The pupil must score below the cut-off level of English language proficiency on a department-approved language proficiency test (appendices section), and must be assessed with at least one multiple measures criteria.

The parents or guardians must be notified in their native language to ensure their understanding of the process, their rights, and the form completion. For Chapter 192 English as second language (ESL) services, the parents or guardians must identify the pupil's native language in Section 5 of the pupil application (407-1 form), thus certifying that the pupil's native language is other than English. In accordance with N.J.A.C. 6A:15-1.2, the pupil's native language means: "the language first acquired by the student, the language most often spoken by the student or the language most often spoken in the student's home, regardless of the language spoken by the student." The local public school district/service provider determines the pupil's English language proficiency and eligibility for Chapter 192 ESL services through an English language proficiency test and multiple measures. Multiple measures include: assessing the level of reading in English, reviewing the previous academic performance of the pupil as well as standardized tests in English and reviewing the input of teaching staff members responsible for the educational program of the pupil. The New Jersey Department of Education mandates the use of a department-approved language proficiency test. To be eligible for Chapter 192 ESL services, a pupil must score below the established cut-off level on a department-approved language proficiency test, and must be assessed with at least one of the multiple measures criteria.

To provide Chapter 192 English as a second language (ESL) services, a certified teacher of the public school district/service provider develops and implements an individual pupil improvement plan for the pupils in English as a second language. An individual pupil improvement plan for English as a second language addresses: the pupil's needs assessment in English language skills (aural comprehension, speaking, reading, and writing), instructional program (goals and measurable objectives, frequency and duration, and also teaching techniques, materials and resources), exemptions from standardized testing in English, if applicable, evaluation procedures that are used to determine progress toward performance objectives, and exit criteria (at or above the cut-off level of English language proficiency on the department-approved language proficiency test (appendices section) and assessed with at least one of the multiple measures criteria).

To document eligibility for English as a second language (ESL) services, attach a copy of the pupil's assessment test results to the pupil application (407-1 form) and check the appropriate service in Section 5 of the pupil application (407-1 form).

The New Jersey Department of Education Approved Language Proficiency Tests and the Language Proficiency Standards for Determining Limited English Proficiency are included in the appendices section.

HOME INSTRUCTION

N.J.A.C. 6A:14-4.9

Home instruction services are given in lieu of regular classroom instruction to an eligible pupil who is enrolled full-time in a nonpublic school and is unable to attend school for a period of at least two weeks or more because of temporary illness or injury. The teacher providing the instruction must be appropriately certified for the subject or level in which instruction is given or as a teacher of the handicapped.

Eligibility Criteria

- Pupil must be enrolled in a school register.
- Pupil is unable to attend school for a period of at least two weeks or more because of temporary illness or injury.
- Pupil must be determined eligible in accordance with N.J.A.C. 6A:14-4.9.

The public school district/service provider responsible for the Chapter 192 home instruction must provide home instruction as soon as possible but no later than seven calendar days after the determination of eligibility by a licensed physician. In Chapter 192 home instruction, the public school district/service provider provides instruction that meets the requirements of the nonpublic school in which the pupil is enrolled full-time for promotion and graduation excluding religious studies.

A certified teacher of the public school district/service provider provides Chapter 192 home instruction in accordance with N.J.A.C. 6A:14-4.9.

To document eligibility for home instruction, attach a copy of the licensed physician's recommendation to the pupil application (407-1 form) and check the appropriate service in Section 5 of the pupil application (407-1 form).

PART III
CHAPTER 193 SERVICES

REFERRAL, EVALUATION AND DETERMINATION OF ELIGIBILITY

N.J.A.C. 6A:14 et seq.

Referral and evaluation procedures are provided for the purpose of determining eligibility for special education and related services and for developing a services plan for the services that will be provided. Once a pupil application (407-1 form) for Chapter 193 evaluation and determination of eligibility for special education and related services is submitted to the local public school district or service provider, the pupil is considered referred. In accordance with N.J.A.C. 6A:14-3.3(e), the full child study team, parent and regular education teacher who has knowledge of the pupil's educational performance must meet within 20 calendar days of the receipt of the pupil application (407-1 form) to determine whether an evaluation is needed. Parents will receive a written notice of the meeting and copy of "Parental Rights in Special Education." The notice of the meeting must be sent early enough to ensure parental participation. The child study team, parent and regular education teacher will review the existing evaluation data on the pupil including evaluations and information provided by parents, current classroom-based assessments and observations, and the observations of teachers and related service providers. On the basis of that review, they will determine whether an evaluation is warranted. If an evaluation is warranted, they will determine the nature and scope of the evaluation in accordance with N.J.A.C. 6A:14-3.4. They will identify what additional data, if any, are needed, and determine which child study team members and/or specialists will conduct the evaluation. Written notice regarding the determination(s) and proposed action(s) with the short procedural safeguards statement are sent to the pupil's parents within 15 calendar days of the meeting. If an evaluation will be conducted, the written notice must also contain a request for consent to evaluate.

Notice shall be written in language understandable to the general public and shall include: a description of the action proposed or denied; an explanation of such action; a description of any options considered and the reason why the options were rejected; a description of the procedures, tests, records or reports and factors used to propose or deny an action; a description of any other factors relevant to the proposal or refusal; and a copy of the short procedural safeguards statement. Written notice regarding the determination(s) and proposed action(s) with the short procedural safeguards statement is sent within 15 calendar days of the determination. After parental consent to the initial evaluation is obtained, the evaluation, determination of eligibility for special education and related services, and if eligible, the development and implementation of the services plan for the pupil must be completed within 90 calendar days.

A case manager shall be assigned to a pupil when it is determined that an initial evaluation shall be conducted. A child study team member or speech-language specialist, when acting as a member of the child study team, shall be designated and serve as the case manager for each pupil with a disability. The case manager shall coordinate the development, monitoring and evaluation of the effectiveness of the pupil's services plan. The case manager shall facilitate communication between home and school and shall coordinate the annual review and reevaluation process.

A Chapter 193 initial evaluation of the pupil shall consist of a multi-disciplinary assessment in all areas of suspected disability. Such evaluation shall include assessment by at least two members of the child study team and other specialists in the area of disability as required or as determined necessary. Each evaluation of the pupil by the child study team shall be conducted in accordance with N.J.A.C. 6A:14-3.4. The parents must receive a copy of the evaluation reports at least 10 days prior to the eligibility conference.

Eligibility Criteria

- Pupil must be determined eligible in accordance with N.J.A.C. 6A:14-3.5.
- If eligible, the pupil must have a services plan developed in accordance with N.J.A.C. 6A:14-6.2 (g)1i.

The services plan includes the following components: statement of pupil's present levels of educational performance, including how the pupil's disability affects the pupil's involvement and progress in the general education curriculum; statement of measurable annual goals that are related to the core curriculum content standards through the general education curriculum unless otherwise required according to the pupil's educational needs, and also short-term objectives to enable the pupil to be involved in and progress in the general education curriculum and to meet the educational needs resulting from the pupil's disability; statement of special education and related services and supplemental aids and services that are provided to the pupil, or statement of program modifications or supports that are provided for school personnel on behalf of the pupil to advance to the annual goals, to be involved in and progress in the general education curriculum, to participate in extracurricular and other nonacademic activities, and to be educated and participate with other pupils with disabilities and nondisabled pupils; explanation of the extent, if any, to which the pupil will not participate with nondisabled pupils in the general education class and in extracurricular and nonacademic activities; statement of the projected date for the beginning of services and modifications, and the anticipated frequency, location and duration of services and modifications; beginning at least three years before the child reaches age 18, a statement that the child has been informed of the rights under N.J.A.C. 6A:14 that will transfer to the pupil on reaching age of majority; statement of how the pupil's progress toward annual goals will be measured; and statement of how the pupil's parents will be regularly informed of the pupil's progress toward the annual goals and the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year, and the parents of the pupil are informed of the progress as often as parents of a nondisabled pupil are informed of their child's progress.

Annually, or more often if necessary, a services plan will be reviewed in a meeting that includes: the parent, at least one child study team member who can interpret the instructional implications of the evaluation results, at least one regular education teacher who is knowledgeable about the pupil's educational performance, at least one special education teacher or service provider, the case manager who is a child study team member, a representative of the school, other appropriate individuals at the discretion of the parent or district, and the pupil where appropriate in accordance with N.J.A.C. 6A:14-3.7 (h).

Reevaluations must be conducted in accordance with N.J.A.C. 6A:14-3.8.

In Section 5 of the pupil application (407-1 form), check the appropriate service, either initial evaluation, annual review, or reevaluation.

The Chapter 193 program only provides supplementary instruction services and speech-language services to a pupil with disability classified as eligible for special education and related services or eligible for speech-language services.

SUPPLEMENTARY INSTRUCTION

N.J.A.C. 6A:14 et seq.

In accordance N.J.A.C. 6A:14-4.5, supplementary instruction is provided to a pupil with a disability classified as eligible for special education and related services as an addition to the primary instruction for the subject being taught. The program of supplementary instruction shall be specified in the services plan. An appropriately certified teacher provides supplementary instruction individually or in groups according to the numbers for support resource programs.

Eligibility Criteria

- Pupil must be determined eligible in accordance with N.J.A.C. 6A:14-3.5.
- If eligible, the pupil must have a services plan developed in accordance with N.J.A.C. 6A:14-6.2 (g)1i.

To document eligibility for supplementary instruction, attach a copy of the services plan to the pupil application (407-1 form) and check the appropriate service in Section 5 of the pupil application (407-1 form).

SPEECH-LANGUAGE

N.J.A.C. 6A:14 et seq.

In accordance with N.J.A.C. 6A:14-4.4, speech-language services include language, articulation, voice, and fluency. Speech-language services are provided to a classified pupil as an addition to the regular instructional program. The program of speech-language services shall be specified in the services plan. An appropriately certified speech-language specialist provides speech-language services individually or in groups not to exceed five pupils.

Eligibility Criteria

- Pupil must be determined eligible in accordance with N.J.A.C. 6A:14-3.6.
- If eligible, the pupil must have a services plan developed in accordance with N.J.A.C. 6A:14-6.2 (g)1i.

To document eligibility for speech-language services, attach a copy of services plan to the pupil application (407-1 form) and check the appropriate service in Section 5 of the pupil application (407-1 form).

PART IV
APPENDICES

**NEW JERSEY DEPARTMENT OF EDUCATION
APPROVED TESTS
FOR
COMPENSATORY EDUCATION**

California Achievement Test (CAT 5) 1992

California Achievement Test (CAT5) 1992/Survey

Comprehensive Testing Program III 3rd edition (ERB), 1998

Individualized Criterion Referenced Testing (ICRT)

Goals – A Performance Based Measure 1992

Iowa Tests of Basic Skills, Forms K, L and M 1999

Iowa Tests of Educational Development, Forms K, L and M 1999

Metropolitan Achievement Test (MAT7) 1992

Metropolitan Achievement Test (MAT9)

Metropolitan Achievement Test (MAT7) Abbreviated

Multiple Assessment Series for the Primary Grades 1998

Stanford Achievement Test 9th Edition (Form T, SAT9) 1998

Test of Achievement and Proficiency (TAP), Forms K, L and M 1996

Locally Developed Criterion Referenced Test

Terra Nova 2nd Edition (CTBS6) 2000 6TH edition of CAT

Elementary School Proficiency Assessment (NJ ASK 3 & 4)

Grade Eight Proficiency Assessment (GEPA)

MINIMUM LEVELS OF PROFICIENCY*

READING COMPREHENSION

TEST	EDITION		THREE		FOUR		FIVE		SIX		SEVEN		EIGHT	
			LEVEL	MLP	LEVEL	MLP	LEVEL	MLP	LEVEL	MLP	LEVEL	MLP	LEVEL	MLP
California Achievement Test (CAT5)	1993		13	16	14	16	15	16	16	26	17/18	24	17/18	23
Iowa Test of Basic Skills (ITBS)	1999	K,L,M	9	19	10	17	11	18	12	21	13	18	14	21
Metropolitan Achievement Tests (MAT9)	1992		E 1	17	E 2	18	I 1	17	I 2	12	I 3	15	I 4	13
Stanford Achievement Test 9 th Edition	1998		P 3	23	I 1	22	I 2	17	I 2	21	A 1	13	A 2	16
Terra Nova Comprehensive Test Of Basic Skills	2000		13	15	14	16	15	15	16	27	17/18	23	17/18	22
All Other Commercial Tests				27		27		28		32		29		28

* All Minimum Levels of Proficiency (MLPs) for the commercial tests are expressed as national percentiles.

MINIMUM LEVELS OF PROFICIENCY*

LANGUAGE ARTS (WRITING)

TEST	EDITION	THREE LEVEL	MLP	FOUR LEVEL	MLP	FIVE LEVEL	MLP	SIX LEVEL	MLP	SEVEN LEVEL	MLP	EIGHT LEVEL	MLP
California Achievement Test (CAT5)	1993	13	19	14	12	15	22	16	36	17/18	27	17/18	26
Iowa Test of Basic Skills (ITBS)	1999 K,L,M	9	16	10	18	11	20	12	20	13	22	14	20
Metropolitan Achievement Tests (MAT)	1992	E 1	5	E 2	17	I 1	19	I 2	7	I 3	10	I 4	8
Stanford Achievement Test 9 th Edition	1998	P 3	23	I 1	22	I 2	17	I 2	21	A 1	13	A 2	16
Terra Nova Comprehensive Test Of Basic Skills	2000	13	19	14	13	15	22	16	35	17/18	27	17/18	25
All Other Commercial Tests			23		26		30		31		32		29

* All Minimum Levels of Proficiency (MLPs) for the commercial tests are expressed as national percentiles.

MINIMUM LEVELS OF PROFICIENCY*

MATHEMATICS

TEST	EDITION	THREE LEVEL	MLP	FOUR LEVEL	MLP	FIVE LEVEL	MLP	SIX LEVEL	MLP	SEVEN LEVEL	MLP	EIGHT LEVEL	MLP
California Achievement Test (CAT5)	1993	13	37	14	39	15	35	16	47	17/18	48	17/18	52
Iowa Test of Basic Skills (ITBS)	1999 K,L,M	9	39	10	32	11	31	12	35	13	42	14	37
Metropolitan Achievement Tests (MAT9)	1992	E 1	25	E 2	22	I 1	25	I 2	16	I 3	30	I 4	39
Stanford Achievement Test 9 th Edition	1998	P 3	44	I 1	38	I 2	44	I 2	45	A 1	36	A 2	35
Terra Nova Comprehensive Test Of Basic Skills	2000	13	31	14	37	15	37	16	45	17/18	48	17/18	48
All Other Commercial Tests			47		44		45		46		46		46

* All Minimum Levels of Proficiency (MLPs) for the commercial tests are expressed as national percentiles.

MINIMUM LEVELS OF PROFICIENCY*

NINTH GRADE

TEST	EDITION	READING	LANGUAGE ARTS	MATHEMATICS	LEVEL
Grade Eight Proficiency Assessment	2000	200	200	200	
California Achievement Test (CAT5)	1993	22	25	41	19
Comprehensive Testing Program (ERB)	1998	37	36	45	5
Test of Academic Proficiency (TAP)	1998 K,L,M	28	31	37	15
Iowa Test of Educational Development (ITED)	1999 K,L,M	30	36	45	8
Metropolitan Achievement Tests (MAT9)	1992	25	14	55	Secondary 1
Stanford Achievement Test 9 th Edition	1998	31	36	37	Task 1
Terra Nova Comprehensive Test Of Basic Skills	2000	22	28	41	19
All Other Commercial Tests		28	29	46	

* All Minimum Levels of Proficiency (MLPs) for the commercial tests are expressed as national percentiles.

MINIMUM LEVELS OF PROFICIENCY*

TENTH GRADE

TEST	EDITION	READING	LANGUAGE ARTS	MATHEMATICS	LEVEL
California Achievement Test (CAT5)	1993	41	42	63	20
Test of Academic Proficiency (TAP)	1998 K,L,M	34	30	49	16
Iowa Test of Educational Development (ITED)	1999 K,L,M	18	21	24	8
Metropolitan Achievement Tests (MAT9)	1992	24	26	47	Secondary 2
Stanford Achievement Test 9 th Edition	1998	37	24	46	Task 2
Terra Nova Comprehensive Test Of Basic Skills	2000	33	36	53	20
All Other Commercial Tests		16	18	32	

* All Minimum Levels of Proficiency (MLPs) for the commercial tests are expressed as national percentiles.

MINIMUM LEVELS OF PROFICIENCY*

ELEVENTH GRADE

TEST	EDITION	READING	LANGUAGE ARTS	MATHEMATICS	LEVEL
California Achievement Test	1993	16	24	36	19
Iowa Test of Basic Skills	1999	16	21	36	**
Metropolitan Achievement Test	1992	16	7	37	A 2
Stanford Achievement Test	1998	19	23	30	***
All Other Commercial Tests		21	26	41	

* All Minimum Levels of Proficiency (MLPs) for the commercial tests are expressed as national percentiles.
 ** Grade 11, MLP values relate to the Tests of Achievement and Proficiency (TAP), Level 2
 *** Grade 11 MLP values relate to the Stanford Test of Academic Skills (TASK), Level 2

**NEW JERSEY DEPARTMENT OF EDUCATION
APPROVED LANGUAGE PROFICIENCY TESTS**

IDEA PROFICIENCY TEST

Ballard & Tighe Publishing Company
480 Atlas Street
Brea, California 92821
Phone: (800) 321-4332, Fax: (714) 255-9828
www.ballard-tighe.com

Regional Office

c/o Joyce Lancaster
808 Bellemead Avenue
Tampa, FL 33617
(800) 290-0472
FAX: (813) 989-2432

LANGUAGE ASSESSMENT SCALES

CTB/McGraw Hill
20 Ryan Ranch Road
Monterey, CA 93940
Phone: (800) 538-9547
FAX: (800) 282-0266
www.ctb.com

Regional Offices

c/o Bonnie Williams
34 Terkuile Road
Montvale, NJ 07645
Phone: (201) 476-1367
FAX: (201) 476-1965

c/o Russ Dusewicz
27 Hazelhurst Drive
Voorhees, NJ 08043
(856) 627-6877
FAX: (856) 627-1033

MAC II TEST OF ENGLISH LANGUAGE PROFICIENCY

Touchstone Applied Science Associates
4 Hardscrabble Heights
PO Box 382
Brewster, New York 10509
Phone: (845) 277-4900
(800) 800-2598 (Customer Service)
FAX: (845) 277-3548
www.tasaliteracy.com

Regional Office

c/o Charlie Eisenberger
8 Grace Road
East Brunswick, NJ 08816
PHONE & FAX: (732) 257-4115

**LANGUAGE PROFICIENCY TEST STANDARDS
FOR
DETERMINING LIMITED ENGLISH PROFICIENCY**

LANGUAGE ASSESSMENT SCALES (LAS) – CTB/McGraw Hill

Use the LAS Language Proficiency Index (LPI) to determine program placement.

LPI (RW/O)	Category	Description
1/2 1/3	LEPa	low-level R and W skills mid-level (limited) L and S skills
1/4 1/5	LEPb	low-level R and W skills high-level (proficient) L and S skills
2/2 2/3	LEPc	mid-level R and W skills mid-level (limited) L and S skills
2/4 2/5	LEPd	mid-level R and W skills high-level (proficient) L and S skills
3/2 3/3	LEPe	high-level R and W skills mid-level (limited) L and S skills
3/4	FEP	high-level R and W skills high-level (proficient) L and S skills

Standard

Any student that places below the FEP (Full-English Proficient) category and has at least one other indicator as per N.J.A.C. 6A15-1.4(c) is limited English proficient.

Other indicators include the following:

- Reading level;
- Previous academic performance;
- Achievement on standardized tests in English; and
- Teacher judgment.

IDEA PROFICIENCY TEST (IPT) - Ballard and Tighe Publishers

Use the IPT designations to determine program placement.

- Oral Tests
 - Non-English Speaker
 - Limited-English Speaker
 - Fluent-English Speaker
- Reading Tests
 - Non-English Reader
 - Limited-English Reader
 - Competent-English Reader
- Writing Tests
 - Non-English Writer
 - Limited-English Writer
 - Competent-English Writer

Standard

Any student who falls in the “limited” category or below, in any of the tests, oral, reading, or writing and has at least one other indicator as per N.J.A.C. 6A15 1.4(c) is limited English proficient.

Other indicators include the following:

- Reading level;
- Previous academic performance;
- Achievement on standardized tests in English; and
- Teacher judgment.

MAC II TEST OF ENGLISH LANGUAGE PROFICIENCY - Touchstone Applied Science Associates

Use the Standard Score Cut Points to determine program placement.

Standard Score Cut Points*				
<u>Test Level</u>	<u>Grade</u>	<u>Fall</u>	<u>Spring</u>	<u>SEM**</u>
<u>Red</u>	K	210	220	8
	1	566	588	14
<u>Blue</u>	2	548	564	12
	3	558	574	12
<u>Orange</u>	4	543	559	10
	5	556	569	11
<u>Ivory</u>	6	545	557	10
	7	551	562	10
	8	555	567	10
<u>Tan</u>	9	549	560	10
	10	558	570	11
	11	568	583	11
	12	580	593	11
*For grades 1-12, cut points are set for Total Battery scores. For grade K, cut points are set in terms of total Speaking and Listening scores.				

**The standard error of measurement (SEM) of a test is a measure of reliability that represents the amount by which a score may vary due to errors of measurement. Thus, the larger the SEM, the greater the likelihood that a student might be misclassified. The SEM can be used to establish a band within which errors are most probable. For students whose scores fall within the band defined by the cut score plus or minus one SEM (e.g., 539 to 559 for Fall, 9th grade), additional data should be used to corroborate the placements.

Other indicators include the following:

- Reading level;
- Previous academic performance;
- Achievement on standardized tests in English; and
- Teacher judgment.

Using Multiple Criteria for Program Entry and Exit

Districts must continue to use multiple indicators, as specified in code [(N.J.A.C.6A:15-1.3) and 6A:15-1.10(b)] to determine which students need English as a Second Language (ESL) and/or bilingual program support and which students can function independently in a monolingual English classroom. These indicators must be used for both identification of limited English proficient (LEP) students and for determining readiness to exit from Bilingual/ESL/ELS program services. Use of the multiple indicators is particularly important when a student's test score is close to a cut point (as determined by the standard error of measurement (SEM)).

New Jersey State Department of Education
 Division of Student Services
 P.O. Box 500
 Trenton, New Jersey 08625-0500

**NONPUBLIC SCHOOL PUPIL APPLICATION FOR CHAPTERS 192 AND 193
 SERVICES FOR THE PERIOD JULY 1, 2004 TO JUNE 30, 2005**

This application form is for the parent/guardian of a nonpublic school pupil who is requesting auxiliary/remedial services for the child. The parent/guardian completes the application and submits it to the nonpublic school or directly to the public school district where the nonpublic school is located.

- **District** keeps a copy for its records and where applicable forwards a copy to **service provider**.
- **District** forwards a copy to **pupil's resident district** when eligible for supplementary instruction and/or speech-language services.

NONPUBLIC SCHOOL

1. School _____
 Address _____
 _____ Zip Code _____ County _____
 Telephone _____
 Principal _____

PUPIL

2. Name _____
 Last _____ First _____
 Address _____
 _____ Zip Code _____ County _____
 Telephone _____
 Grade (as of 9/1/2004) _____ Birth Date _____
 Circle Gender: Male _____ Female _____
 Circle Race: American Indian-Asian-Black-Hispanic-White _____

3. Public School District and County Where Pupil Resides _____

_____ District _____ County _____

4. **CHECK ONE:** _____ Initial Application for Service _____ Application to Continue Service
 5. **SERVICE REQUESTED** (Complete one form for each service requested. NOTE: Reading/Writing constitutes communications).

CHAPTER 192, LAWS

_____ COMMUNICATIONS

Reading _____ Writing _____

Initial Evaluation _____

_____ COMPUTATION

_____ ENGLISH AS A SECOND LANGUAGE

Native Language _____

_____ HOME INSTRUCTION - see disposition below**

CHAPTER 193, LAWS

**_____ EVALUATION AND DETERMINATION OF
 ELIGIBILITY**

Annual Review _____
 Reevaluation _____

_____ SUPPLEMENTARY INSTRUCTION*

Pupil's Eligibility – Federal Category _____

*Only by Child Study Team recommendation for classified pupil. Attach copy of recommendation.

_____ SPEECH-LANGUAGE

Speech Evaluation _____
 Speech-Language Services _____

6. PARENT/GUARDIAN REQUEST

I hereby request that my child, named above, receive the services indicated herein pursuant to Chapter 192 and/or Chapter 193 Laws. I certify that the above named child and I are residents of the State of New Jersey and that the address given above is our domicile. I understand that the board of education of the public school district in which the nonpublic school is located is responsible for providing the services indicated herein pursuant to law and regulation.

 Please print name of Parent/Guardian

 Signature

 Date

7. DISPOSITION

The district board of education responsible for providing services completes this section.

 Application Received _____ Services Began _____ Services Ended _____
 Date _____ Date _____ Date _____

 Services Not Provided (state reason) _____

** No. of hours of Home Instruction provided to nearest tenth _____

Name of Service Provider if other than district _____

 Public School District

 Signature of Chief School Administrator

 Date